

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Central States, Southeast and Southwest
Areas Pension Fund; Central States,
Southeast and Southwest Areas Health
and Welfare Fund; and
Charles A. Whobrey,

Plaintiffs,

v.

Lakeville Transportation, Inc.;
Wren Corporation;
LME, Inc.; and
Wren Equipment, LLC;

Defendants.

Case No. 18-cv-01863-SRN-TNL

JUDGMENT ORDER

This matter is before the Court upon Plaintiffs' Motion for Default Judgment [Doc. No. 252] against Defendants Lakeville Transportation, Inc.; Wren Corporation; LME, Inc.; and Wren Equipment, LLC (Dkt. #252.) On June 20, 2023, a hearing was held on the instant motion, at which Frank T. Blechschmidt and Richard J. Reding, counsel for Central States, Southeast and Southwest Areas Pension Fund, appeared. No appearance was entered by Defendants or their counsel.

The Court, having reviewed the Motion and all supporting materials, hereby **FINDS** and **ADJUDGES** as follows:

1. This action arises under the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §§ 1001-1461. This Court has jurisdiction over this action under 29 U.S.C. §§ 1132(e)(1), 1132(f), and 1451(c), and under 28 U.S.C. § 1331.

2. As set forth in more detail in Plaintiffs' Application for Entry of Default (Dkt. 250), Defendants Lakeville Transportation, Inc. and Wren Corporation were each served with a summons and a copy of Plaintiffs' original complaint on March 21, 2018. (*See* Affidavits of Service, Dkt. #28, #29.)

3. Defendants LME, Inc. and Wren Equipment, LLC each waived service of the summons and Plaintiffs' original complaint on April 3, 2018, prior to the withdrawal of their counsel. (*See* Waivers of Service, Dkt. #16, #27.)

4. Plaintiffs filed their First Amended Complaint on July 10, 2010. (Dkt. #170.) The First Amended Complaint is the operative complaint.

5. All four of the Defendants—Lakeville Transportation, Inc., Wren Corporation, LME, Inc. and Wren Equipment, LLC—were served with a copy of Plaintiffs' First Amended Complaint on February 2, 2023. (*See* Certificate of Service, Dkt. #249; *see also* Certificate of Service & Ex. 1 (UPS delivery confirmations), Dkt. #257).

6. Lakeville Transportation, Inc., Wren Corporation, LME, Inc., and Wren Equipment, LLC failed to file an answer or responsive pleading to Plaintiffs' First Amended Complaint. The Clerk entered a default against Lakeville Transportation, Inc., Wren Corporation, LME, Inc., and Wren Equipment, LLC on March 22, 2023. (Dkt. #251.)

7. Lakeville Transportation, Inc., Wren Corporation, LME, Inc., and Wren Equipment, LLC were each served with a copy of Plaintiffs' Motion for Default Judgment, along with copies of the accompanying Notice of Hearing, Memorandum, and Declarations on April 12, 2023. (*See* Dkt. #252, p. 3; #253, p. 3; #254, p. 27; #255, #256; *see also* Certificate of Service & Ex. 2 (UPS delivery confirmations), Dkt. #257.)

8. In their Memorandum and accompanying Declarations, Plaintiffs have provided proof to the Court of the damages owed to Central States, Southeast and Southwest Areas Pension Fund (the “Pension Fund”) and Charles A. Whobrey, as Trustee, under 29 U.S.C. §§ 1132(g)(2), 1451(b), and under the Pension Fund’s Trust Agreement. Specifically, Defendants Lakeville Transportation, Inc. and Wren Corporation owe the Pension Fund and its Trustee unpaid withdrawal liability, interest, doubled interest, attorneys’ fees, and costs, as alleged in Count I of the First Amended Complaint. Additionally, Defendants LME, Inc. and Wren Equipment, LLC owe the Pension Fund and its Trustee unpaid withdrawal liability, interest, doubled interest, attorneys’ fees, and costs, as alleged in Counts II and III of the First Amended Complaint, and owe the Pension Fund and its Trustee unpaid pension contributions, interest, doubled interest, attorneys’ fees, and costs, as alleged in Count III of the First Amended Complaint.

9. In their Memorandum and accompanying Declarations, Plaintiffs have also provided proof to the Court of the damages owed to Central States, Southeast and Southwest Areas Health and Welfare Fund (the “Health Fund”) and Charles A. Whobrey, as Trustee, under 29 U.S.C. §§ 1132(g)(2), and under the Health Fund’s Trust Agreement. Specifically, Defendants LME, Inc. and Wren Equipment, LLC owe the Health Fund and its Trustee unpaid health and welfare contributions, interest, doubled interest, attorneys’ fees, and costs, as alleged in Count III of the First Amended Complaint.

Now, THEREFORE, the Court **ORDERS** as follows:

1. Plaintiffs' Motion [Doc. No. 252] is **GRANTED**, and a default judgment is entered against Defendants Lakeville Transportation, Inc.; Wren Corporation; LME, Inc.; and Wren Equipment, LLC as to Plaintiffs' claims in the First Amended Complaint.

2. Judgment is entered in favor of Plaintiffs Central States, Southeast and Southwest Areas Pension Fund and Charles A. Whobrey, as Trustee, and against Lakeville Transportation, Inc. and Wren Corporation, jointly and severally, in the total amount of \$162,643,378.33. This total amount consists of: (i) withdrawal liability in the principal amount of \$90,092,302.70; (ii) \$36,274,664.44 in interest on the withdrawal liability through April 14, 2023; (iii) \$36,274,664.44 in doubled interest; (iv) attorney's fees in the amount of \$1,546.75; and (v) costs in the amount of \$200.00.

3. Plaintiffs Central States, Southeast and Southwest Areas Pension Fund and Charles A. Whobrey, as Trustee, are awarded post-judgment interest on the total judgment balance against Lakeville Transportation, Inc. and Wren Corporation in paragraph 2, computed at an annualized interest rate equal to 2% plus the prime interest rate established by JPMorgan Chase Bank, NA for the fifteenth (15th) day of the month for which interest is charged, and compounded annually.

4. Judgment is entered in favor of Plaintiffs Central States, Southeast and Southwest Areas Pension Fund and Charles A. Whobrey, as Trustee, and against LME, Inc. and Wren Equipment, LLC, jointly and severally, in the total amount of \$163,040,327.76. This total amount consists of two portions. The withdrawal liability portion of the judgment in the amount of \$162,644,231.67 consists of (i) withdrawal liability in the principal amount of \$90,092,302.70; (ii) \$36,274,664.44 in interest on the

withdrawal liability through April 14, 2023; (iii) \$36,274,664.44 in doubled interest; (iv) attorney's fees in the amount of \$2,533.42; and (v) costs in the amount of \$66.67. The pension contributions portion of the judgment in the amount of \$396,096.09 consists of (i) unpaid contributions in the amount of \$264,019.26; (ii) \$64,738.37 in interest on the unpaid contributions through April 14, 2023; (iii) \$64,738.37 in doubled interest; (iv) attorney's fees in the amount of \$2,533.42; and (v) costs in the amount of \$66.67.

5. Plaintiffs Central States, Southeast and Southwest Areas Pension Fund and Charles A. Whobrey, as Trustee, are awarded post-judgment interest on the withdrawal liability portion of the judgment against LME, Inc. and Wren Equipment, LLC in paragraph 4, computed at an annualized interest rate equal to 2% plus the prime interest rate established by JPMorgan Chase Bank, NA for the fifteenth day (15th) of the month for which interest is charged, and compounded annually.

6. Plaintiffs Central States, Southeast and Southwest Areas Pension Fund and Charles A. Whobrey, as Trustee, are awarded post-judgment interest on the pension contributions portion of the judgment against LME, Inc. and Wren Equipment, LLC in paragraph 4 at the greater of (i) an annualized interest rate equal to two percent (2%) plus the prime interest rate established by JPMorgan Chase Bank, NA for the fifteenth (15th) day of the month for which the interest is charged, or (ii) at an annualized interest rate of 7.5%, and with said interest to be compounded annually.

7. Judgment is entered in favor of Plaintiffs Central States, Southeast and Southwest Areas Health and Welfare Fund and Charles A. Whobrey, as Trustee, and against LME, Inc. and Wren Equipment, LLC, jointly and severally, in the total amount of

\$436,495.21. This total amount consists of: (i) unpaid contributions in the amount of \$291,123.02; (ii) \$71,386.06 in interest on the unpaid contributions through April 14, 2023; (iii) \$71,386.06 in doubled interest; (iv) attorney's fees in the amount of \$2,533.41; and (v) costs in the amount of \$66.66.

8. Plaintiffs Central States, Southeast and Southwest Areas Health and Welfare Fund and Charles A. Whobrey, as Trustee, are awarded post-judgment interest on the total judgment balance against LME, Inc. and Wren Equipment, LLC in paragraph 7 at the greater of (i) an annualized interest rate equal to two percent (2%) plus the prime interest rate established by JPMorgan Chase Bank, NA for the fifteenth (15th) day of the month for which the interest is charged, or (ii) at an annualized interest rate of 7.5%, and with said interest to be compounded annually.

9. Plaintiffs may proceed with collection of the judgment, fees, and costs granted.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 20, 2023

s/Susan Richard Nelson
United States District Judge
Susan Richard Nelson